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10/677,930	10/02/2003	Dhar Solanki	85ER-00118 (60709-46)	9589
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JOHN S. BEULICK (60709) ARMSTRONG TEASDALE LLP ONE METROPOLITAN SQUARE, SUITE 2600 ST. LOUIS, MO 63012-2740			EXAMINER RAPILLO, KRISTINE K	
			ART UNIT 3626	PAPER NUMBER
			NOTIFICATION DATE 02/23/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatents@armstrongteasdale.com

Office Action Summary

Application No.

10/677,930

Applicant(s)

SOLANKI ET AL.

Examiner

KRISTINE K. RAPILLO

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 10/22/2003

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed November 9, 2009. Claims 1, 16, and 24 are amended. Claims 1 – 37 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, the limitation "automatically retrieving data received at the application server from the first customer user for generating the plurality of quotes of reinsurance" is unclear due to the amendment submitted November 9, 2009. It appears the limitation above and the limitation "receiving data at an application server from a first customer user of the one or more customer users for the plurality of quotes of reinsurance, wherein the data provided includes data relating to at least one specific insurance policy issued by a first insurance company" are both directed toward receiving the data; the data is received twice.

With regard to the claim 1, the limitation "generating the profitability analysis for each of the reinsurance policies quoted using the data received from the first customer user and at least one of a mortality rate, a tax and interest rate, and a premium rate associated with the at least one specific insurance policy" is unclear. It appears the profitability analysis is not performed; the claim is only comparing the quote versus one of the rates claimed (mortality, tax and interest rate, premium). As is commonly known, a profitability analysis should be multi-faceted.

4. Claims 16 and 24 are the same or similar to claim 1 and are rejected for the same reasons given above for claim 1.

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5. Claims 2 – 15, 17 - 23, and 25 - 37 are dependent claims and are rejected based upon their dependency on claims 1, 16, and 24.
6. The 35 U.S.C. 112, second paragraph rejection of claim 1 regarding the lack of antecedent basis is hereby withdrawn based upon the amendment submitted November 9, 2009.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1 – 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Best-Devereux, herein after Devereux (U.S. Publication Number 2002/0082875 A1) in view of Steinmann (U.S. Publication Number 2003/0083908 A1), further in view of Apte et al., herein after Apte (U.S. Patent Number 5,970,464).

In regard to claim 1 (currently amended), Devereux teaches a method for quoting reinsurance for a reinsurance company, comprising the steps of:

receiving data at an application server from a first customer user of the one or more customer users for the plurality of quotes of reinsurance (paragraphs [0034] through [0037] where a user who is representing an insurance company submits a request for reinsurance, thus the request is received by the host server (paragraph [0012])), wherein the data provided includes data relating to at least one specific insurance policy issued by a first insurance company (paragraphs [0031], [0037], and [0072] where the request includes information regarding the initial insurance policy);

automatically retrieving data received at the application server from the first customer user for generating the plurality of quotes of reinsurance (paragraph [0028])

processing the data according to rules within a database networked with the application server, to generate the quote for the reinsurance for the at least one specific insurance policy (paragraphs [0071] and [0103] where the data submitted by a user is processed in order to generate a quote to the user);

electronically communicating each of the plurality of quotes for the reinsurance to the first customer user (Figure 3; paragraphs [0010] and [0038]) including each corresponding profitability analysis - Devereux fails to disclose profitability analysis, however, this feature is disclosed by Apte and discussed below; and

enabling the first customer user to select one of the plurality of quotes for reinsurance (Figure 7 and paragraph [0079]) for improving profitability of the first insurance company including electronically transmitting a reinsurance contract to the first customer user, the reinsurance contract corresponding to the selected quote (paragraph [0060] where Devereux discloses the use of a digital signature, thus implying an electronic transmission of data). Devereux fails to disclose profitability analysis, however this feature is disclosed by Apte and discussed below.

Steinmann teaches a method comprising the steps of authorizing electronic requests from one or more customer users, the one or more customer users including users associated with insurance companies seeking a plurality of quotes from the reinsurance company for reinsuring insurance policies underwritten by the insurance companies (Figures 12 A and B; 13 A and B; paragraphs [0150] and [0211]; and, claim 83) where Steinmann discloses the use of a password and user name for security; the Examiner interprets security to imply authorization and generating the profitability analysis for each of the

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reinsurance policies quoted using the data received from the first customer user and at least one of a mortality rate, a tax and interest rate, and a premium rate associated with the at least one specific insurance policy (paragraph [0190]); Steinmann fails to explicitly discuss a profitability analysis, however this feature is disclosed by Apte and discussed below.

Apte teaches a method comprising the steps of automatically requesting whether the first customer user providing data relating to the at least one specific insurance policy desires a profitability analysis for each of the reinsurance policies quoted for the at least one specific insurance policy, wherein the profitability analysis indicates for each of the reinsurance policies quoted whether the quoted reinsurance policy improves profitability of the first insurance company by transferring risks defined by the first customer user and associated with the at least one specific insurance policy to the reinsurance company for an amount associated with the quote (column 3 lines 40 - 41) where a business analysis client generates an actuarial output of an estimation of improved profitability.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method comprising the steps of automatically requesting whether the first customer user providing data relating to the at least one specific insurance policy desires a profitability analysis for each of the reinsurance policies quoted for the at least one specific insurance policy, wherein the profitability analysis indicates for each of the reinsurance policies quoted whether the quoted reinsurance policy improves profitability of the first insurance company by transferring risks defined by the first customer user and associated with the at least one specific insurance policy to the reinsurance company for an amount associated with the quote as taught by Apte, within the method of Devereux and Steinmann, with the motivation of providing a profitability analysis of data based on historical insurance policies in order to generate potential profit on a new business (column 1, lines 49 – 60).

In regard to claim 2 (Previously Presented), Devereux, Steinmann, and Apte teach the method of claim 1.

Steinmann teaches a method comprising the step of authorizing comprising the step of qualifying the one or more customer users to a plurality of security levels providing differing levels of access to, and control of, the database (paragraph [0211]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method comprising the step of authorizing comprising the step of qualifying the one or more customer users to a plurality of security levels providing differing levels of access to, and control of, the database as taught by Steinmann, within the method of Devereux and Apte, with the motivation of providing a document management system for the creation, management, and placement for a reinsurance portfolio (paragraph [0116]).

In regard to claim 3 (Previously Presented), Devereux, Steinmann, and Apte teach the method of claim 1. Devereux teaches a method comprising the step of receiving data comprising the step of receiving data through a web browser interface from a computer networked with the application server (paragraphs [0028] and [0029]) where Devereux discloses collecting data using an internet browser or application programming interface (API).

In regard to claim 4 (Previously Presented), Devereux, Steinmann, and Apte teach the method of claim 1. Devereux teaches a method comprising the step of receiving data comprising receiving a selection of an existing quote stored within the database through a web browser at a computer networked with the application server (paragraphs [0035] and [0088]).

In regard to claim 5 (Previously Presented), Devereux, Steinmann, and Apte teach the method of claim 1. Devereux teaches a method further comprising generating email to one or more internal users indicating generation of the quote, wherein the one or more internal users include users associated with the reinsurance company (paragraph [0033]) where Devereux discloses notification via e-mail of selected

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users, where the users comprise the cedent (customer user), broker or assumer; the broker or assumer is interpreted as the internal user (reinsurer).

In regard to claim 6 (Previously Presented), Devereux, Steinmann, and Apte teach the method of claim 5. Devereux teaches a method comprising the step of generating email comprising determining the internal users through an association stored in the database and linking the internal users to the one or more customer users (paragraph [0033])) where Devereux discloses notification via e-mail of selected users, where the users comprise the cedent (customer user), broker or assumer (reinsurer); the internal user (broker or assumer) negotiates with the cedent (customer user) thus implying electronic communication.

In regard to claim 7 (original), Devereux, Steinmann, and Apte teach the method of claim 6. Devereux teaches a method comprising the step of generating email comprising generating batch email at an end of a day (paragraph [0033]).

In regard to claim 8 (Previously Presented), Devereux, Steinmann, and Apte teach the method of claim 1. Devereux teaches a method comprising the step of electronically communicating comprising generating email to the one or more customer users (paragraph [0033]).

In regard to claim 9 (original), Devereux, Steinmann, and Apte teach the method of claim 8. Devereux teaches a method comprising the step of generating email comprising sending one of text defining the quote or a hyperlink to the quote stored on the database (paragraphs [0033] and [0083]).

In regard to claim 10 (Previously Presented), Devereux, Steinmann, and Apte teach the method of claim 1. Devereux teaches a method further comprising the steps of accepting inputs from the first customer user indicating acceptance of the quote and immediately generating email to one or more

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internal users indicating that the one first customer user desires to execute an reinsurance contract based upon the quote (paragraphs [0043] and [0092]).

In regard to claim 11 (original), Devereux, Steinmann, and Apte teach the method of claim 1. Devereux teaches a method further comprising setting a time delay between processing the data to generate the quote and electronically communicating the quote to the user (paragraphs [0066] and [0088].

In regard to claim 12 (Previously Presented), Devereux, Steinmann, and Apte teach the method of claim 1.

Steinmann teaches a method comprising the step of electronically communicating comprising downloading a spreadsheet to a computer associated with the first customer user (paragraphs [0133], [0142], and [0221]).

The motivation to combine the teachings of Devereux, Steinmann, and Apte is discussed in the rejection of claim 2, and incorporated herein.

In regard to claim 13 (original), Devereux, Steinmann, and Apte teach the method of claim 1. Devereux teaches a method further comprising the step of appending text to the quote by downloading the text to the database prior to the step of processing the data (paragraphs [0030], [0086], and [0087]).

In regard to claim 14 (Previously Presented), Devereux, Steinmann, and Apte teach the method of claim 1.

Apte teaches a method further comprising the step of analyzing profitability of the data provided to the application server, the step of electronically communicating comprising the step of communicating profitability of the quote to the first customer user (column 2, lines 64 – 67; column 4, lines 41 – 47; and, column 6, lines 11 – 15).

The motivation to combine the teachings of Devereux, Steinmann, and Apte is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 15 (original), Devereux, Steinmann, and Apte teach the method of claim 14.

Apte teaches a method further comprising the step of communicating messages between the application server and a profitability engine to facilitate communications between the application server and profitability software of the profitability engine (column 2, lines 11 – 16).

The motivation to combine the teachings of Devereux, Steinmann, and Apte is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 17 (original), Devereux, Steinmann, and Apte teach the system of claim 16. Devereux teaches the electronic requests comprising a selection to a preexisting quote within the database (paragraph [0184]).

In regard to claim 18 (original), Devereux, Steinmann, and Apte teach the system of claim 16. Devereux teaches the application server having means for inserting, deleting and updating records within the database (paragraphs [0184] and [0210]) where a user can edit a proposed quote (record); editing is interpreted as encompassing insertion, deletion, and update functions.

In regard to claim 19 (original), Devereux, Steinmann, and Apte teach the system of claim 16. Devereux teaches the web server comprising a plug in for comparing authorization data associated with the electronic requests with data stored in a policy server and database (paragraphs [0163], [0164], [0261], and [0262]) where the plug in is interpreted as a small software program.

System and software claims 16 and 20 - 37 repeat the subject matter of claims 1 – 15 and 17 - 19. As the underlying processes of claims 1 – 15 and 17 - 19 have been shown to be fully disclosed by the teachings of Devereux, Steinmann, and Apte teach in the above rejections of claims 1 – 15 and 17 -

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19; as such, these limitations (16 and 20 - 37) are rejected for the same reasons given above for claims 1 – 15 and 17 - 19 and incorporated herein.

Response to Arguments

10. Applicant's arguments filed November 9, 2009 have been fully considered but they are not persuasive. Applicants arguments will be addressed herein below in the order in which they appear in the response filed November 9, 2009.

11. In regard to claim 1, the Applicant argues (A) no combination of Devereux, Steinmann, and Apte describes or suggests generating a profitability analysis; (B) no combination of Devereux, Steinmann, and Apte describe or suggest a customer user seeking a plurality of quotes of reinsurance from a reinsurance company; and (C) no combination of Devereux, Steinmann, and Apte describe or suggest a method for quoting reinsurance for a reinsurance company.

The Examiner respectfully disagrees with the Applicant's argument regarding (A) no combination of Devereux, Steinmann, and Apte describes or suggests generating a profitability analysis; (B) no combination of Devereux, Steinmann, and Apte describe or suggest a customer user seeking a plurality of quotes of reinsurance from a reinsurance company; and (C) no combination of Devereux, Steinmann, and Apte describe or suggest a method for quoting reinsurance for a reinsurance company. The Examiner submits it would be obvious to combine the systems of Devereux, Steinmann and Apte as Devereux is directed to submitting information relating to a risk for reinsurance, Steinmann is directed to collecting risk data and obtaining quotes from various reinsurers, and Apte is directed to performing a profitability analysis of the data.

Devereux discloses a system, method and computer program for facilitating negotiations for reinsurance of a risk. A computer is used for allowing submissions of risk for reinsurance, responses from reinsurers, and replies to the responses (Abstract).

Steinmann discloses a system and method for facilitating the placement of reinsurance by collecting risk data to determine if a need for reinsurance is necessary, and submitting the collected risk data to various reinsurers to obtain a quote for reinsurance (Abstract).

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Apte discloses a computer implemented method of underwriting profitability analysis to a wide cross section of insurance decision makers (Abstract). The Examiner interprets the "wide cross section of insurance decision makers" to include reinsurance decision makers as they can be included in a selection of insurance. Apte discloses performing a profitability analysis which allows a user to determine the value of an insurance product. Apte illustrates various scenarios which can be analyzed based on the population or product (column 8, line 54 through column 9, line 3). Thus, Apte discloses performing a profitability analysis on an insurance product. Claims 2 - 15 are the dependent claims of claim 1 and are rejected for using the same or similar rationale.

12. In regard to claim 16, the Examiner respectfully submits the Applicant's argument has been addressed in the response to claim 1, and is incorporated herein. Claims 17 – 23 are rejected using the same or similar rationale as claim 16.

13. In regard to claim 24, the Examiner respectfully submits the Applicant's argument has been addressed in the response to claim 1, and is incorporated herein. Claims 24 - 37 are rejected using the same or similar rationale as claim 24.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINE K. RAPILLO whose telephone number is (571)270-3325. The examiner can normally be reached on Monday to Thursday 6:30 am to 3:30 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on 571-272-6787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KKR

/Robert Morgan/
Primary Examiner, Art Unit 3626